

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1049**

**Introduced by Assembly Member Koretz**

February 22, 2005

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An act to add Chapter 11 (commencing with Section 42570) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1049, as amended, Koretz. Recycling: food and beverage packages: labeling.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container.

This bill would ~~prohibit a person, on and after January 1, 2007, from selling a food or beverage package, as defined, in the state unless the food or beverage package complies with the labeling requirements imposed by the bill. The bill would require a food and beverage package to be labeled with consumer disposal instructions consisting of a code indicating the appropriate disposal method of either "Trash," "Recycling," or "Compost," as specified. The bill would specify the criteria to be used to determine the disposal code required to be labeled on a food or beverage package.~~

~~The bill would allow a person to apply to the California Integrated Waste Management Board for a disposal code classification of an unclassified type of food or beverage package. The person would be required to pay a fee set by the board to cover the reasonable administrative cost of making this classification. The bill would require the board to deposit the fees collected in the Food and Beverage Classification Account, which the bill would create in the~~

~~Integrated Waste Management Fund. The bill would authorize the board to expend the fee revenues, upon appropriation by the Legislature, to implement the classification determination~~ *require the California Integrated Waste Management Board to make available a voluntary California curbside label for packages or items that are accepted in a substantial majority of California curbside recycling programs. The bill would deem certain packaging and items, as specified, to be accepted by a substantial majority of California curbside recycling programs. The bill would authorize the board to deny the use of the California curbside label on packaging or items that, through commonly accepted uses, are soiled with contaminants to a degree that would substantially degrade the recyclability of the packaging or items. The bill would authorize the board to collect a fee from a person applying to the board for the use of the California curbside label. The fees collected would be deposited in the California Curbside Label Account, which the bill would create in the Integrated Waste Management Fund, and upon appropriation by the Legislature, would authorize those funds to be expended by the board to implement this chapter.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 11 (commencing with Section 42570)  
2 is added to Part 3 of Division 30 of the Public Resources Code,  
3 to read:

4  
5 CHAPTER 11. ~~RECYCLING OF FOOD AND BEVERAGE PACKAGING~~  
6 CALIFORNIA CURBSIDE RECYCLING LABEL  
7

8 42570. The Legislature finds and declares all of the  
9 following:

- 10 (a) Since the implementation of Section 18015 more than 15  
11 years ago, consumers have struggled to understand plastic resin  
12 identification codes that appear to indicate that all plastics are  
13 suitable for curbside recycling.  
14 (b) Consumer confusion about the proper disposal method of  
15 ~~food or beverage~~ packaging results in the contamination of  
16 recycling streams and the landfilling of recyclable containers.

1 (c) The removal of contaminants from curbside recycling  
2 streams and the landfilling of recyclables cost local governments  
3 and waste disposal ratepayers millions in labor, equipment  
4 damage, and lost bottle deposits and processor payments.

5 (d) Clear and concise consumer disposal ~~instructions with~~  
6 ~~standardized codes will~~ *instruction labels would* greatly reduce  
7 the contamination of our recycling streams and the landfilling of  
8 recyclables.

9 (e) *The “Plastics White Paper” approved by the California*  
10 *Integrated Waste Management Board on June 17, 2003,*  
11 *recommends that the state “[develop a California curbside label*  
12 *for plastic products that can be recycled in every curbside*  
13 *program as a way to motivate manufacturers to increase*  
14 *recyclability of their packaging.”*

15 (f) *It is the intent of the Legislature to implement a voluntary*  
16 *California curbside label applicable to all packaging types*  
17 *acceptable in a substantial majority of California curbside*  
18 *recycling programs.*

19 42571. *The board shall make available for licensure a label*  
20 *for printing, molding, or embossing onto product packaging or*  
21 *other items that are accepted in a substantial majority of*  
22 *California curbside recycling programs.*

23 (a) *The voluntary California curbside label shall comply with*  
24 *the United States Federal Trade Commission Act (Subchapter 1*  
25 *commencing with Section 41) of Chapter 2 of Title 15 of the*  
26 *United States Code) or other applicable federal law in a manner*  
27 *so as to permit packaging or other items printed, molded, or*  
28 *embossed with the label to be legally distributed outside the*  
29 *state.*

30 (b) *The following packaging types and items are deemed to be*  
31 *accepted in a substantial majority of California curbside*  
32 *recycling programs:*

33 (1) *Paper, paperboard, corrugated cardboard, newsprint,*  
34 *craft paper, or other paper products not coated, laminated, or*  
35 *lined with a wax or polymer.*

36 (2) *Aluminum cans.*

37 (3) *Nonpressurized steel cans.*

38 (4) *Glass bottles and glass jars.*

1 (5) Blow-molded plastic bottles made from polyethylene  
2 terephthalate (PET) and blow-molded plastic bottles made from  
3 high density polyethylene (HDPE).

4 (c) Notwithstanding subdivision (b), the board may deny  
5 licensure of the use of the voluntary California curbside label on  
6 any packaging or item deemed by the board to be, through  
7 commonly accepted uses, soiled with contaminants to a degree  
8 that would substantially degrade the recyclability of the  
9 packaging or item.

10 (d) The board may amend the list of packaging types and items  
11 set forth in subdivision (b) to reflect changes in items accepted in  
12 a substantial majority of California curbside recycling programs.

13 42572. (a) A person may apply to the board for licensed use  
14 of the voluntary California curbside label. The person shall pay  
15 a fee set by the board to cover the reasonable administrative  
16 costs of the creation, licensure, and maintenance of the voluntary  
17 California curbside label.

18 (b) The board shall deposit all fees collected pursuant to this  
19 section in the California Curbside Label Account, which is  
20 hereby created in the Integrated Waste Management Fund, and  
21 the fee revenues may be expended by the board, upon  
22 appropriation by the Legislature, to implement this chapter.

23 ~~42571. (a) For purposes of this chapter “food or beverage~~  
24 ~~package” means any box, bag, can, tub, bottle, cup, plate, tray,~~  
25 ~~pouch, or any container used to contain a food or beverage at the~~  
26 ~~point of retail sale.~~

27 ~~(b) Notwithstanding subdivision (a), “food and beverage~~  
28 ~~package” does not include closures such as caps, lids, pull tabs,~~  
29 ~~or other removable closure devices constituting not more than 10~~  
30 ~~percent of the empty container by weight.~~

31 ~~42572. On and after January 1, 2007, a person shall not sell a~~  
32 ~~food or beverage package in the state unless the food or beverage~~  
33 ~~package complies with this chapter.~~

34 ~~(a) The food and beverage package shall be labeled with~~  
35 ~~consumer disposal instructions consisting of a code indicating the~~  
36 ~~appropriate disposal method from among the following, in~~  
37 ~~accordance with Section 42573:~~

38 ~~(1) Trash.~~

39 ~~(2) Recycling.~~

40 ~~(3) Compost.~~

~~(b) A food or beverage package that is a multimaterial package shall be labeled with a disposal instructions table clearly identifying each component part that can be reasonably separated by consumers and the component's appropriate disposal method.~~

~~(e) The disposal methods specified in paragraphs (1) to (3), inclusive, of subdivision (a) shall be represented by a disposal code consisting of a color-shaded circle with the disposal method labeled below the circle. The circle shall be shaded in the appropriate color and shall surround a three-letter abbreviation of the appropriate color code in reverse type. The labels used shall be as follows:~~

~~(1) TRASH = Circle shaded in black and abbreviated "BLK" in reverse type.~~

~~(2) RECYCLE = Circle shaded in blue and abbreviated "BLU" in reverse type.~~

~~(3) COMPOST = Circle shaded in green and abbreviated "GRN" in reverse type.~~

~~(d) If a food or beverage package does not include four-color printing, the packaging is not required to comply with the color shading of the disposal code specified in subdivision (e), but shall otherwise comply with the requirements of subdivision (c), including color abbreviations.~~

~~42573. (a) The following criteria shall be used to determine the disposal code required to be labeled on a food or beverage package, which shall be published on the board's Web site:~~

~~(1) A food or beverage package accepted for recycling in curbside collection programs serving at least 70 percent of the state's households shall be labeled with a disposal code of RECYCLE, as required by paragraph (2) of subdivision (b) of Section 42572.~~

~~(2) A food or beverage package meeting standards specified in subdivision (a) of Section 42357 for labeling as "compostable" shall be labeled with a disposal code of COMPOST, as required by paragraph (3) of subdivision (b) of Section 42572.~~

~~(3) A food or beverage package that does not meet the requirements of paragraph (1) or (2) shall be labeled with a disposal code of TRASH, as required by paragraph (2) of subdivision (b) of Section 42572.~~

~~42474. (a) A person may apply to the board for a determination of the disposal code classification for an~~

~~unclassified type of food or beverage package. The person shall pay a fee set by the board to cover the reasonable administrative cost of making this classification.~~

~~(b) The board shall deposit all fees collected pursuant to this section in the Food and Beverage Classification Account, which is hereby created in the Integrated Waste Management Fund, and the fee revenues may be expended by the board, upon appropriation by the Legislature, to implement this section.~~

CORRECTIONS:

Text – Pages 2 and 3.